

**BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP**

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*Counsel for Plaintiff Retail Wholesale  
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Retirement Fund*

[Additional counsel appear on signature page.]

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

RETAIL WHOLESALE  
DEPARTMENT STORE UNION  
LOCAL 338 RETIREMENT FUND, on  
behalf of itself and all others similarly  
situated,

Plaintiff,

v.

BEYOND MEAT, INC., ETHAN  
WALDEN BROWN, MARK J.  
NELSON, and PHILLIP E. HARDIN,

Defendants.

Case No. 2:23-cv-03602 MWF (AGRx)

**NOTICE OF MOTION AND  
MOTION OF RETAIL  
WHOLESALE DEPARTMENT  
STORE UNION LOCAL 338  
RETIREMENT FUND FOR  
APPOINTMENT AS LEAD  
PLAINTIFF AND APPROVAL OF  
ITS SELECTION OF LEAD  
COUNSEL**

Date: August 7, 2023  
Time: 10:00 a.m.  
Courtroom: 5A  
Judge: Hon. Michael W. Fitzgerald

**TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF  
RECORD:**

PLEASE TAKE NOTICE that at 10:00 a.m. on August 7, 2023, or on a date and time set by the Court, before the Honorable Michael W. Fitzgerald at the First Street Courthouse, 350 West First Street, Courtroom 5A, Los Angeles, California, Retail Wholesale Department Store Union Local 338 Retirement Fund (“Local 338”) will respectfully move this Court, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), for entry of an order: (1) appointing Local 338 as Lead Plaintiff; (2) approving Local 338’s selection of Bernstein Litowitz Berger & Grossmann LLP (“Bernstein Litowitz”) to serve as Lead Counsel for the Class; and (3) granting any such further relief as the Court may deem just and proper.<sup>1</sup>

This Motion is made on the grounds that Local 338 believes it is the “most adequate plaintiff” under the PSLRA and is therefore entitled to be appointed Lead Plaintiff. Specifically, Local 338 believes that it has the “largest financial interest” in the relief sought by the Class in this action by virtue of, among other things, the approximately \$2.7 million in losses that it incurred on its purchases of Beyond Meat, Inc. common stock between May 5, 2020 and October 13, 2022, inclusive. Local 338 also satisfies the requirements of Rule 23 of the Federal Rules of Civil

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<sup>1</sup> This Motion has been filed pursuant to Section 21D(a)(3)(B) of the Exchange Act, as amended by the PSLRA, which provides that within 60 days after publication of the required notice, any member of the proposed class may apply to the Court to be appointed as lead plaintiff, whether or not that proposed class member has previously filed a complaint in the underlying action (although here, Local 338 has done so). Consequently, counsel for Local 338 cannot determine who the competing lead plaintiff candidates are at this time. As a result, proposed Lead Counsel has been unable to confer with opposing counsel as prescribed in C.D. Cal. Local Civil Rule 7-3, and respectfully requests that the conference requirement of Rule 7-3 be waived for this Motion.

1 Procedure because its claims are typical of other Class members' claims and because  
2 it will fairly and adequately represent the interests of the Class.

3 This Motion is based upon this Notice of Motion, the accompanying  
4 Memorandum of Points and Authorities in support thereof, the Declaration of  
5 Jonathan D. Uslaner and all exhibits attached thereto, the pleadings and other filings  
6 herein, and such other written or oral argument as may be permitted by the Court.

7 WHEREFORE, Local 338 respectfully requests that the Court enter an order:  
8 (1) appointing Local 338 as Lead Plaintiff pursuant to the PSLRA; (2) approving  
9 Local 338's selection of Bernstein Litowitz to serve as Lead Counsel for the Class;  
10 and (3) granting any such further relief as the Court may deem just and proper.

11 Dated: July 10, 2023

Respectfully submitted,

12 **BERNSTEIN LITOWITZ BERGER**  
13 **& GROSSMANN LLP**

14 /s/ Jonathan D. Uslaner  
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17 -and-

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23 *Counsel for Proposed Lead Plaintiff*  
24 *Retail Wholesale Department Store*  
25 *Union Local 338 Retirement Fund*

1                                    **CERTIFICATE OF SERVICE**

2            I hereby certify that on July 10, 2023, I caused the foregoing to be  
3 electronically filed with the Clerk of the Court using the CM/ECF system, which  
4 will send notification of such filing to the email addresses denoted on the Electronic  
5 Mail Notice List.

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7                                    **BERNSTEIN LITOWITZ BERGER  
                                      & GROSSMANN LLP**

8                                    /s/ Jonathan D. Uslaner  
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